

# State Commission on Judicial Conduct

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**Executive Director**  
Seana Willing

April 23, 2012

Blake Hawthorne, Clerk  
Supreme Court of Texas  
201 West 14th Street  
Austin TX 78711

Re: Inquiry Concerning the Honorable J. Kent Adams, CJC No. 09-1028-JP;  
Special Court of Review No. 12-0001

Dear Mr. Hawthorne:

Pursuant to Section 33.034(d) of the Texas Government Code, enclosed please find Examiners' Charging Document, which includes as Exhibit "A," a copy of the sanction issued by the Commission.

Examiner notes that there appears to be a conflict between the filing requirements of Section 33.034(d) of the Texas Government Code and those of Rule 9(b) of the Texas Rules for the Removal or Retirement of Judges. Specifically, unlike Section 33.034(d), which requires only that the Commission file "with the clerk a charging document that includes a copy of the sanction issued and any additional charges to be considered in the de novo proceeding," Rule 9(b) specifies that "the Commission shall furnish the petitioner and each Justice on the Special Court of Review a charging document which shall include a copy of the sanction issued as well as any additional charges to be considered in the de novo proceeding *and the papers, documents, records, and evidence upon which the Commission based its decision*" (emphasis added).

In order to comply with the additional requirements imposed by Rule 9, by copy of this letter, Examiner is also providing Judge Adams' counsel and each Justice on the Special Court of Review with the following:

- Exhibit "B:" the Record of the Informal Proceedings (bates stamped pages 1 – 115);
- Exhibit "C:" Audio from the Informal Hearing.

Please note that the audio of the informal hearing is contained on a DVD, which cannot be uploaded for electronic service. Therefore, in addition to serving Judge Adams' counsel with

Exhibit "B" electronically, we are also mailing a hard copy of the following to Judge Adams' counsel, as well as to each of the members of the Special Court of Review:

- Charging Document, including Exhibit "A;"
- CD containing Exhibit "B" (the Record of the Informal Proceedings); and
- DVD containing the audio from the Informal Hearing.

Although it is unclear if this is required, we are hand delivering a copy of all of these records to your office as well.

Please feel free to contact me if I can be of further assistance.

Sincerely,

**ORIGINAL SIGNED BY**

Seana Willing  
Examiner

SBW/sw  
Enc/Attachments

cc: (w/CD and DVD)

**SPECIAL COURT OF REVIEW:**

Honorable James Worthen  
Chief Justice, 12<sup>th</sup> Court of Appeals  
1517 West Front Street, Ste. 354  
Tyler, TX 75702

Honorable Rogelio Valdez  
Chief Justice, 13<sup>th</sup> Court of Appeals  
Nueces County Courthouse, 10<sup>th</sup> Floor  
901 Leopard  
Corpus Christi, TX 78401

Honorable Jeff Rose  
Justice, 3<sup>rd</sup> Court of Appeals  
P.O. Box 12547  
Austin, TX 78711

**ATTORNEYS REPRESENTING  
JUDGE J. KENT ADAMS:**

Kent M. Adams  
Monica Wilkins  
Lewis Brisbois Bisgaard & Smith LLP  
3355 West Alabama, Ste. 400  
Houston TX 77098

**DOCKET NO. 12-0001**

**IN RE: § BEFORE THE**  
**INQUIRY CONCERNING JUDGE § SPECIAL COURT OF REVIEW,**  
**HONORABLE J. KENT ADAMS § APPOINTED BY THE**  
**CJC No. 09-1028-JP § SUPREME COURT OF TEXAS**

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**CHARGING DOCUMENT**

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**TO THE HONORABLE MEMBERS OF THE SPECIAL COURT OF REVIEW:**

Pursuant to Section 33.034(d) of the Texas Government Code, Examiner for the State Commission on Judicial Conduct hereby files this Charging Document, requesting that this Special Court of Review conduct its *de novo* review of a sanction issued to Judge J. Kent Adams.

**I. The Sanction**

As required by Section 33.034(d) of the Texas Government Code, attached as **Exhibit “A”** is the Public Admonition issued by the Commission on October 20, 2011. **Exhibit “A”** and its contents are incorporated by reference as if set forth verbatim herein.

**II. Factual Allegations**

1. At all relevant times, Petitioner was the Justice of the Peace for Precinct 4, Place 1, in Spring, Harris County, Texas.
2. Petitioner is also an attorney who has been licensed to practice law in the State of Texas since 1972.
3. As a judge, Petitioner is charged with knowledge of the provisions of the Texas Code of Judicial Conduct, the Texas Constitution, and the Texas Government Code that pertain to the conduct of judges.
4. As a judge, Petitioner has received additional training in the field of judicial conduct and ethics, which includes the requirements for:
  - (a) maintaining order and decorum in the courtroom;
  - (b) treating litigants and others with whom the judge interacts in an official capacity with patience, dignity, and courtesy;
  - (c) conducting proceedings without bias or prejudice; and
  - (d) conducting proceedings without manifesting bias or prejudice based on race, sex, national origin, or socioeconomic status.
5. On or about June 26, 2009, Petitioner, from the bench, said to a defendant appearing on a case before him, “Bird head, get your ass up here.”
6. On or about June 26, 2009, Petitioner, from the bench, told a female juvenile defendant appearing on a case before him to get her “twat” out of bed and go to school.

7. On or about June 26, 2009, Petitioner, from the bench, referred to parents appearing on cases before him as “losers,” stating that they did not know how to raise their kids.
8. On or about June 26, 2009, Petitioner, from the bench, told a male juvenile defendant appearing on a case before him to “get off his fat ass and get to school.”
9. On or about June 26, 2009, Petitioner, from the bench, asked only the Hispanic defendants and their families whether they were born in Mexico, if they were United States citizens, and why they had not learned English.
10. Petitioner routinely makes inquiries as to the citizenship of Hispanic individuals appearing in his court.
11. Petitioner contacts Immigration and Customs Enforcement if Hispanic individuals appearing in his court respond that they are not in the country legally.
12. Petitioner does not inquire as to the citizenship status of non-Hispanic individuals appearing in his court.
13. Petitioner has been disciplined in the past for failing to be patient, dignified, and courteous towards litigants appearing in his court.

### **III. Relevant Standards**

1. Article V, Section 1-a(6)A of the Texas Constitution provides, in relevant part, that any justice or judge of the courts established by the Constitution or created by the Legislature may be disciplined for “willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice.”
2. Section 33.001(b) of the Texas Government Code defines “willful or persistent conduct that is clearly inconsistent with the proper performance of a judge's duties” as, among other things, “willful violation of...the Code of Judicial Conduct.”
3. Canon 3B(3) of the Texas Code of Judicial Conduct states that “A judge shall require order and decorum in proceedings before the judge.”
4. Canon 3B(4) of the Texas Code of Judicial Conduct states, in part, that “A judge shall be patient, dignified and courteous to litigants,...and others with whom the judge deals in an official capacity...”
5. Canon 3B(5) of the Texas Code of Judicial Conduct states that, “A judge shall perform judicial duties without bias or prejudice.”
6. Canon 3B(6) of the Texas Code of Judicial Conduct states, in part, that “A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status...”

## **IV. Charges**

### **CHARGE I**

Petitioner, by the comments and inquiries he made from the bench, as described above, failed to maintain order and decorum in the courtroom and therefore, engaged in willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice, in violation of the standards set forth in:

1. Article V, §1-a(6)A of the Texas Constitution;
2. Section 33.001(b) of the Texas Government Code; and
3. Canon 3B(3) of the Texas Code of Judicial Conduct.

### **CHARGE II**

Petitioner, by the comments and inquiries he made from the bench, as described above, failed to remain patient, dignified or courteous towards individuals appearing before him on official court business and therefore, engaged in willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice, in violation of the standards set forth in:

1. Article V, §1-a(6)A of the Texas Constitution;
2. Section 33.001(b) of the Texas Government Code; and
3. Canon 3B(4) of the Texas Code of Judicial Conduct.

### **CHARGE III**

Petitioner, by the comments and inquiries he made from the bench, as described above, failed to perform his duties without bias or prejudice and therefore, engaged in willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice, in violation of the standards set forth in:

1. Article V, §1-a(6)A of the Texas Constitution;
2. Section 33.001(b) of the Texas Government Code; and
3. Canon 3B(5) of the Texas Code of Judicial Conduct.

## CHARGE IV

Petitioner, by the comments and inquiries he made from the bench, as described above, manifested a bias or prejudice based on race, sex, national origin, or socioeconomic status, and therefore, engaged in willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice, in violation of the standards set forth in:

1. Article V, §1-a(6)A of the Texas Constitution;
2. Section 33.001(b) of the Texas Government Code; and
3. Canon 3B(6) of the Texas Code of Judicial Conduct.

## V. Prayer

Examiner respectfully requests that the Special Court of Review conduct a public *de novo* hearing pursuant to Section 33.034(e)(2) of the Texas Government Code and issue its decision as to the proper disposition of the appeal.

Respectfully Submitted,

**EXAMINERS:**

Seana Willing  
Executive Director  
Texas Bar No. 00787056

Jacqueline Habersham  
Senior Commission Counsel  
Texas Bar No. 00785931

Patrick Summers  
Commission Counsel  
Texas Bar No. 24034697

State Commission on Judicial Conduct  
P.O. Box 12265  
Austin, Texas 78711  
Telephone: (512) 463-5533  
Facsimile: (512) 463-0511

By: **ORIGINAL SIGNED BY**  
Patrick Summers

## **CERTIFICATE OF SERVICE**

Service of this instrument has been made on the Honorable J. Kent Adams, by and through his attorney of record, Kent M. Adams on April 23, 2012, at the Law Offices of Lewis, Brisbois, Bisgaard, and Smith, L.L.P., 3355 West Alabama, Suite 400, Houston, Texas 77098, by electronic service and regular U.S. Mail, in accordance with the Texas Rules of Civil Procedure and the Texas Supreme Court's rules for electronic filing and service.

**ORIGINAL SIGNED BY**

Patrick Summers

# EXHIBIT “A”



## BEFORE THE STATE COMMISSION ON JUDICIAL CONDUCT

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**CJC No. 09-1028-JP**

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### **PUBLIC ADMONITION**

**HONORABLE J. KENT ADAMS  
JUSTICE OF THE PEACE, PRECINCT 4, PLACE 1  
SPRING, HARRIS COUNTY, TEXAS**

During its meeting on October 13, 2011, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable J. Kent Adams, Justice of the Peace, Precinct 4, Place 1, Spring, Harris County, Texas. Judge Adams was advised by letter of the Commission’s concerns and provided a written response. Judge Adams appeared with counsel before the Commission on August 13, 2010, and gave testimony. The Commission tabled the matter pending further investigation. After considering the evidence before it, the Commission entered the following Findings and Conclusion:

#### **Findings of Fact**

1. At all times relevant hereto, the Honorable J. Kent Adams was Justice of the Peace for Precinct 4, Place 1, in Spring, Harris County, Texas.
2. Mary K. Martin (“Martin”) had a 17-year old son who was charged with Failure to Attend School.
3. On or about June 26, 2009, Martin appeared in Judge Adams’ court on the charge of Parent Contributing to Nonattendance.
4. According to Martin, she observed Judge Adams use unprofessional and offensive comments toward defendants and their parents in court.

5. Martin also observed that Judge Adams asked only the Hispanic parents and their children whether they were born in Mexico, if they were United States citizens, and why they had not learned English.
6. In his testimony before the Commission, Judge Adams acknowledged that he had used a term that is considered by many to be vulgar. Judge Adams stated that he was unaware until he received the complaint that the term was vulgar, but he has stopped using the term in court.
7. Judge Adams also acknowledged that he has asked the parents of certain students if their child was born in the United States. According to the judge, if the parents respond, “no,” and confirm their status as illegal immigrants, he contacts Immigration and Customs Enforcement.
8. Judge Adams confirmed that he does not ask the question in order to ascertain the need for a translator.
9. Judge Adams also confirmed that he does not ask the question of non-Hispanic parents or students.

### **Relevant Standards**

1. Canon 3B(4) of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall be patient, dignified and courteous to litigants,...and others with whom the judge deals in an official capacity...”
2. Canon 3B(5) of the Texas Code of Judicial Conduct states that “A judge shall perform judicial duties without bias or prejudice.”
3. Canon 3B(6) of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, natural origin, disability, age sexual orientation or socioeconomic status...”

### **Conclusion**

The Commission concludes based on the facts and evidence before it that Judge Adams’ use of a vulgar term while interacting with litigants in court constituted undignified and discourteous treatment of those litigants. Additionally, his gratuitous inquiry into immigration matters for purposes unrelated to the matters pending in his court, combined with the fact that he singled out Hispanic parents and their children for questioning about their immigration status, manifested bias or prejudice on the basis of natural origin, race, and socioeconomic status. When deciding the truancy matters pending before him, Judge Adams is required to ensure and demonstrate that he is impartial, fair and neutral, and that his decisions and actions are not influenced by a particular defendant’s immigration status. The Commission concludes that Judge Adams’ conduct in this matter constituted willful violations of Canons 3B(4), 3B(5) and 3B(6) of the Texas Code of Judicial Conduct.

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In condemnation of the conduct described above that violated Canons 3B(4), 3B(5) and 3B(6) of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC ADMONITION** to the Honorable J. Kent Adams, Justice of the Peace, Precinct 4, Place 1, Spring, Harris County, Texas.

Pursuant to the authority contained in Article V, § 1-a(8) of the Texas Constitution, it is ordered that the conduct described above be made the subject of a **PUBLIC ADMONITION** by the State Commission on Judicial Conduct.

The Commission takes this action in a continuing effort to protect public confidence in the judicial system, and to assist the state judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Code of Judicial Conduct.

Issued this 20<sup>th</sup> day of October, 2011.

**ORIGINAL SIGNED BY**

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Honorable Jorge C. Rangel, Chair  
State Commission on Judicial Conduct